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5 Counsel for Defendant BANKS

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-05-00126-CRB
11 v. Plaintiff,) STIPULATION AND ~~PROPOSED~~
12) ORDER TO CANCEL THE SELF-
13) SURRENDER DATE.
14 EDSEL BANKS,) Hearing: November 16, 2005
15 Defendant.) Time: 2:15 pm
15) Court: Honorable Charles R. Breyer

16
17 STIPULATION

18 Defense counsel, Elizabeth M. Falk, respectfully requests that the self-surrender date of
19 defendant, Edsel Banks be cancelled. Defendant is currently calendared for sentencing before this
20 court on November 16, 2005 at 2:15 p.m. Mr. Banks is scheduled to self-surrender on Monday,
21 October 31, 2005 to the United States Marshals Service in San Francisco, California no later than
22 12:00 noon.

23 While defendant was under the care of Robert Franklin, M.D., Doctor Franklin went out on
24 disability which caused delays in rescheduling evaluations and surgery. Defendant since has been
25 under the care of various physicians.

26 On October 19, 2005 Mr. Banks was found to have a kidney and bleeding problem.

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1 However, on October 25, 2005 Mr. Banks was cleared to have surgery, and has a medical
2 appointment on Friday, October 28, 2005, and a preoperative evaluation scheduled for
3 November 3, 2005.

4 Defense counsel has contacted United States Probation Officer, Lynne Richards informing her
5 of this. Defense counsel has also contacted Assistant United States Attorney, Monica Fernandez,
6 and has no objection to the cancellation of the self-surrender date of October 31, 2005, until
7 defendant is released from the care of his physician.

8 IT IS SO STIPULATED

10 Date: 10/28/2005

/S/
ELIZABETH M. FALK
Assistant Federal Public Defender

13 Date: 10/28/2005

/S/
MONICA FERNANDEZ
Assistant United States Attorney

16 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
17 "conformed" signature (/S/) within this e-filed document.

19 ORDER

20 GOOD CAUSE SHOWN, it is hereby ORDERED that the self-surrender date of October 31,
21 2005 to the United States Marshals Service at San Francisco is cancelled until defendant is released
22 from the care of his physician.

24 Date: October 28, 2005

25 Stipulation and Proposed Order
26 No. CR-05-00126-CRB

